

REMARKS

Claims 15 and 20-27 are pending. By this Response, claim 15 is amended, claims 16-19 cancelled and claims 20-27 added. Reconsideration and allowance based on the above amendments and below comments are respectfully requested.

§112, First Paragraph

The Examiner rejects claim 19 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Claim 19 has been cancelled. Thus, this rejection is moot. Accordingly, withdrawal of the rejection is requested.

§112 Second Paragraph

The Office Action rejects claim 19 under 35 U.S.C. §112, second paragraph as being indefinite. Claim 19 has been cancelled. Thus, this rejection is moot. Accordingly, withdrawal of the rejection is requested.

Prior Art Rejection

Claim 15

The Office Action rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over Seo, et al. (US 6,295,255) and claims 16-18 under 35 U.S.C.

§103(a) as being unpatentable over Seo and Ozawa, et al. (US 6,418,094).

These rejections are respectfully traversed.

As recited in claim 15, a specific arrangement of the various components are described. A first magnetic path member 2 has two opposing first walls. A second magnetic path member 10 has two opposing second walls and a first bottom wall that connects the two second opposing walls. The second magnetic path member is assembled to the first magnetic path member such that at least part of the turns of the coil are between one of the first opposing walls and one of the second opposing walls.

The above noted configuration of embodiments of the present invention, allow the first and second magnetic paths to be of small size and shape. This allows the apparatus to be easily manufactured and smaller. Further, the configuration and shape of the magnetic path members allow for easy assembly and readily define the two magnetic paths when assembled.

Also, regarding newly added dependent claims 4 and 5, the variation in thickness is disclosed in Fig. 4. In Fig. 4, a first magnetic path member 2 is illustrated having a larger thickness than a second magnetic path member 10. A small thickness of the inner yoke (10) that serves as a second magnetic path allows the first holes (6b, 6c) to be small and hence decrease the overall size of the lens holder. The first magnetic path member (2) has a larger thickness that makes it difficult to magnetically saturate and therefore is advantageous in generating a large drive force for driving the lens holder. A large cross section

of the first magnetic path member (2) is effective in increasing the magnetic flux density in a gap between the first magnetic path member (2) and the second magnetic path member (10), thereby increasing the drive force.

Contrary to the present invention, Seo teaches an optical pick-up which for specific reasons includes its own unique arrangement of components that is different from the claimed invention. The Office Action relies upon the apparatus of Fig. 1 which is described in Seo's background section. The apparatus of Fig. 1 includes a lens 19 and coil bobbin 23 that supports the lens 19. A focusing coil 26 and tracking coil 27 are formed on the bobbin 23, while a magnet 25 is formed on a yolk 24 and base plate 21.

The configuration of the apparatus taught in Seo is contrary to the present invention. Seo discloses a U-shaped yoke 24 in Fig. 1 and a U-shaped yoke 240 in Fig. 3. The U-shaped yokes 24 and 240 have a magnet mounted thereon. The U-shaped yoke 24 serves as an inner yoke and also an outer yoke. The U-shaped Yoke 240 also serves as an inner yoke and an outer yoke. In other words, Seo employs two separate magnetic pieces each of which includes opposing walls. This is contrary to the embodiments of the present invention in which two separate magnetic pieces are utilized that define two magnetic paths when the two magnetic pieces are assembled together. The opposing walls for the magnetic paths are defined by one of the walls of each of the magnetic pieces.

Further, Ozawa discloses an optical pick-up device having a configuration in which two yokes 104 and 105 are formed by vertically erecting a part of the casing in a point symmetrical in position with the central shaft 103 interposed therebetween. Thus, Ozawa employs two separate magnetic pieces each of which includes the yokes 104 and 105 that are formed in one piece. This is contrary to the embodiments of the present invention that employs two magnetic pieces (2) and (10) that define two magnetic paths when the two magnetic pieces are assembled together. The first and second magnetic paths and their configuration as defined in independent claim 15 is not taught by Ozawa.

Therefore, in view of the above, Seo and Ozawa fail to teach, *inter alia*, a lens-holder that holds said objective lens thereon, said lens-holder having two first holes that extend through the lens-holder in a direction substantially parallel to an optical axis of the objective lens and being movable in such a direction that said objective lens moves in a direction substantially perpendicular to said optical axis of said objective lens, said lens-holder also being movable in a direction of the optical axis of said objective lens; a first magnetic path member having two first opposing walls; a second magnetic path member having two second opposing walls and a first bottom wall that connects the second opposing walls; and a drive mechanism having a magnet and a coil, one of the magnet and coil being fixedly mounted on said lens holder and the other of the magnet and coil being fixedly mounted on one of the first opposing walls, wherein said second magnetic path

member is mounted to said first magnetic path member such that the second opposing walls extend through corresponding ones of the two first holes and at least part of turns of the coil are between one of the first opposing walls and one of the second opposing walls, as recited in independent claim 15.

In view of the above, applicant respectfully submits that a proper rejection under 35 U.S.C. §103(a) with regard to independent claim 15 has not been established. Further, Ozawa fails to make up for Seo's deficiencies and therefore dependent claims 20-27 are likewise distinguishable over the applied references. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

#### Conclusion

For at least these reasons, it is respectfully submitted that claims 15 and 20-27 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/644,029

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Michael R. Cammarata  
Reg. No. 39,491

MRC/CJB:cb  
1190-0577P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000